

# PATENT COOPERATION TREATY

From the:  
INTERNATIONAL SEARCHING AUTHORITY

To:

WATERMARK PATENT & TRADEMARK  
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## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing **02 JUL 2004**  
(day/month/year)

Applicant's or agent's file reference  
**P22717PCAU**

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
**PCT/AU2004/000560**

International filing date (day/month/year)  
**30 April 2004**

Priority date (day/month/year)  
**1 May 2003**

International Patent Classification (IPC) or both national classification and IPC  
**Int. Cl. <sup>7</sup> G10D 1/08**

Applicant

**AUSTRALIAN NATIVE MUSICAL INSTRUMENTS PTY LTD et al**

**1. This opinion contains indications relating to the following items:**

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input checked="" type="checkbox"/> | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input checked="" type="checkbox"/> | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the IPEA/AU  
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Box No. I      Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. IV Lack of unity of invention

1. ☐ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
- ☐ paid additional fees
  - ☐ paid additional fees under protest
  - ☐ not paid additional fees
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
  - ☒ not complied with for the following reasons:

Claims 1 to 16, 21, 22 and 24 to 28 are all characterised by a musical instrument having a panel with a groove or rebate for receiving a side wall of the instrument. Claims 17 to 20 are concerned with an assembly jig for a musical instrument which positively positions a neck component with a panel of the instrument during assembly. Claim 23 concerns a method of making a panel that is thicker at its edges than its centre. There is no mention of a groove or rebate in claims 17 to 20 or 23. There is therefore no special technical feature linking claims 17 to 20 or 23 with the remaining claims. Unity of invention is thus lacking.

4. Consequently, this opinion has been established in respect of the following parts of the international application:
- ☒ all parts
  - ☐ the parts relating to claims Nos.

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**Box No. V** Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

**1. Statement**

Novelty (N)	Claims 1-8, 13-20, 23-28	YES
	Claims 9-12, 21, 22	NO
Inventive step (IS)	Claims 1-8, 13-20, 23-26	YES
	Claims 9-12, 21, 22, 27, 28	NO
Industrial applicability (IA)	Claims 1-28	YES
	Claims	NO

**2. Citations and explanations:**

**D1:** [http://www.trspartan.freemove.co.uk/acoustic\\_guitars.htm](http://www.trspartan.freemove.co.uk/acoustic_guitars.htm) 13 April 2003 (13-04-03)  
(also [http://web.archive.org/\\*/http://www.trspartan.freemove.co.uk/acoustic\\_guitars.htm](http://web.archive.org/*/http://www.trspartan.freemove.co.uk/acoustic_guitars.htm))

**D2:** US-3722345-A (DOPERA) 27 March 1973 (27-03-73)

**D3:** US-2743644-A (ROSENHEIM) 1 May 1956 (01-05-56)

**D4:** US-2649827-A (MACCAFERRI) 25 August 1953 (25-08-53)

**D5:** GB-360401-A (KAWAI) 2 May 1930 (02-05-30)

**D6:** [http://www.diy.net.com/diy/hb\\_musical\\_instruments/article/0,2033,DIY\\_13881\\_2850588,00.html](http://www.diy.net.com/diy/hb_musical_instruments/article/0,2033,DIY_13881_2850588,00.html)  
(downloaded June 2004)

D1 is a web page that discusses a method for making a guitar with a plywood top and back. As shown in the drawing labelled "Constructional Details of Body" a rebate is provided around the edge of the top and/or back to accommodate the side walls of the instrument. Claims 9, 10, 11, 12, 21 and 22 are thus disclosed.

D2 discloses a method of constructing a guitar wherein a 'depending flange' is provided on the top and back panels of the guitar, and side walls of the guitar are fitted into the region between the flange and the edge of the top or back. The provision of the depending flange provides a structure that is mechanically equivalent to an edge portion that is thicker than a centre portion and having a groove or rebate extending substantially around its periphery. Claims 9, 10, 11, 12, 22, 27 and 28 therefore lack an inventive step over this disclosure.

D3 and D4 similarly disclose the use of a flange on the top plate of a guitar into which the side walls are fitted. Claims 9, 10, 11, 12, 22, 27 and 28 therefore lack an inventive step over these disclosures.

D5 discloses a structure of a soundboard for a piano. As shown in the detail of figure 3 the soundboard (2) has a rebate about its periphery into which a projection from the frame of the piano (3) fits. Claims 9, 10, 21 and 22 are thus disclosed.

D6 discloses a method of manufacturing a mandolin. As shown in figure F a computer controlled router is used to shape the front and back of the instrument and these appear to be thicker at the edges than in the centre. Claim 23 is thereby disclosed. Because a publication date for D6 cannot be established this is cited as relevant background art only and not relied upon to anticipate claim 23.

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Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

<u>Application No.</u> <u>Patent No.</u>	<u>Publication date</u> <u>(day/month/year)</u>	<u>Filing date</u> <u>(day/month/year)</u>	<u>Priority date (valid claim)</u> <u>(day/month/year)</u>
WO-2004/031697-A1	15 April 2004 (15-04-04)	27 August 2003 (27-08-03)	30 September 2002 (30-09-02)

WO-2004/031697-A1 discloses a construction technique for a guitar in which a groove or rebate is provided close to the periphery of the top and/or back plate of the instrument. The groove or rebate is provided for the purpose of allowing the top and/or back to vibrate more freely and is not used to engage or secure the side walls of the instrument. WO-2004/031697-A1 is mentioned as background art only.

2. Non-written disclosures (Rules 43bis.1 and 70.9)

<u>Kind of non-written disclosure</u>	<u>Date of non-written disclosure</u> <u>(day/month/year)</u>	<u>Date of written disclosure</u> <u>referring to non-written disclosure</u> <u>(day/month/year)</u>